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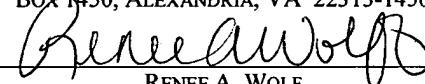
PATENT APPLICATION

In The United States Patent And Trademark Office

Applicant: Christopher F. Freudenberg et al.	Examiner: Purol, David M.
Serial No.: 10/722,041	Group Art Unit: 3634
Filed: November 24, 2003	Docket No.: BPL0002/US
For: PLASTIC SHEET BARRIER ENCLOSURE SYSTEM, AND METHOD	

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RENEE A. WOLF

AMENDED APPEAL BRIEF

Dear Sir or Madam:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief mailed May 12, 2008, in the above-identified patent application, which is under appeal. By this submission, Applicants have addressed the concerns set forth in the Notification. It is noted that the Examiner has deemed certain statements within Applicants' brief as improper as being more than that required in specific sections of an appeal brief. Applicants, however, direct the Examiner's attention to MPEP 1205.02. MPEP 1205.02 provides that requirements of an appeal brief set out in 37 CFR 41.37(c)(1) merely specify "the minimum requirements for a brief" and do "not prohibit the inclusion of any other material which an appellant may consider necessary or desirable." Thus, it is submitted that the Examiner's holding that such statements are improper should be withdrawn.

The fee for filing the Appeal Brief was previously paid with the Appeal Brief mailed February 22, 2008. It is further submitted that this response is timely filed within the one-month period set out in the Notification from the date of the Notification. No fee

is believed to be due at this time. If any fees are required, however, please charge them to Deposit Account No. 50-1775 and notify us of the same.

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I. Real Party in Interest

Bearacade Products LLC is the real party in interest.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

Claims 1, 2, 6, 7, 12-21, 23-27, 29, 30, 33 and 34 are pending in the above-identified patent application. Claims 3-5, 8-11, 22, 28, 31-32, and 35-37 have been canceled. Claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33 and 34 stand rejected. Claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33 and 34 are on appeal.

IV. Status of Amendments

No Amendment has been submitted subsequent to the Final Office Action dated August 16, 2007.

V. Summary of Claimed Subject Matter

Note: the parenthetical citations below refer to the Applicants' specification and figure.

The specifically claimed subject matter of independent claims 1, 21 and 34 is supported and described in the subject application as follows.

1. A method for creating at least a partially enclosed space and controlled environment for abatement of physical material within a preexisting structure, the enclosed space being based at least in part on structural elements of the preexisting structure (p. 7, lines 21-23; p. 12, lines 2-4) comprising:

attaching at least first and second barrier sheet lengths (p. 17, lines 18-20; 10 in Fig. 1) comprising separate lengths of flexible polymeric film (p. 24, lines 9-13) in a sealed overlapping relationship to one another (p. 28, lines 2-8) to a first surface of a first structural element of the preexisting space (p. 13, lines 1-10) and attaching the overlapping barrier sheet lengths to a second surface of a second structural element of the preexisting space (p. 13, lines 1-10; p. 28, lines 2-8) while at least partially covering an opening between the first and second surfaces (p. 29, lines 13-20) for creating a barrier as part of an enclosure of a desired space with a controlled environment (p. 4, lines 2-6), said step of attaching at least the first and second barrier sheet lengths including using a holding system of each of the first and second barrier sheet lengths that extends over major surfaces thereof (p. 19, lines 19-28), wherein the holding system comprises an adhesive layer that substantially covers a major surface (p. 7, lines 7-8; p. 14, lines 10-12) of each of the first and second barrier sheet lengths including an edge zone (26 in Fig. 1) and an intermediate zone (28 in Fig. 1) of the same major surface (p. 4, lines 18-20; p. 7, lines 26-27; p. 13, lines 12-20; p. 14, lines 23-26), so that the first barrier sheet length with the holding system is secured to the first surface of the first structural element at both the edge and intermediate zones (p. 19, lines 19-22) and the second barrier sheet length with the holding system is adhesively sealed to an overlapping portion of the first barrier sheet length and the first surface of the first structural element (p. 19, lines 22-28).

21. A method for the abatement of physical material from a preexisting structure comprising:
- a. providing a structure having at least one working surface of a first structural element bearing a physical material to be removed, and at least one non-working surface of a second structural element (p. 7, lines 24-25; p. 8, lines 4-5),
 - b. providing a plurality of barrier sheet lengths (p. 17, lines 18-21; 10 in Fig. 1), each length of barrier sheet comprising a flexible polymeric film (p. 24, lines 9-14) and that includes a holding system comprising an acrylic pressure sensitive adhesive layer (p. 25, line 27) that substantially covers a major surface thereof (p. 7, lines 7-8; p. 14, lines 10-12), the holding system with removable pressure sensitive adhesive provided to create an edge zone (26 in Fig. 1) and an intermediate zone (28 in Fig. 1) of the major surface as it is substantially covered by adhesive (p. 4, lines 18-20; p. 7, lines 26-27; p. 13, lines 12-20; p. 14, lines 23-26),
 - c. securing the holding system of a first barrier sheet length by contacting the adhesive of the first barrier sheet length to the one non-working surface of the second structural element and a non-working surface of at least one other structural element (p. 13, lines 1-10) that is spaced from the second structural element, so that a layer of the first barrier sheet length is secured to plural non-working surfaces to form an enclosure with the working surface of the first structural element (p. 14, lines 23-16) to isolate a space to contain the physical material for subsequent removal (p. 7, line 21 – p. 8, line 2),
 - d. securing a second barrier sheet length along side and in a similar direction as the first barrier sheet length by contacting adhesive of the edge zone of the second barrier sheet length with an overlapping portion of the first barrier sheet length and adhesive of the intermediate zone of the second barrier sheet length to at least the one non-working surface of the second structural element (p. 7, line 21 – p. 8, line 2; p. 13, lines 1-10), and then
 - e. applying a negative pressure of 0.02 inches of water within the enclosed space (p. 9, lines 22-23) while utilizing the holding systems of the first and second barrier sheet lengths to maintain billowing from the non-working surfaces of the

structural elements to less than 2 inches (p. 17, line 18 – p. 18, line 2; p. 31, lines 10-16; p. 32, lines 4-8).

34. An enclosure for isolating and containing physical materials comprising a structure having at least one working surface on a first structural element (p. 13, lines 1-10) bearing a physical material to be removed, and a plurality of non-working surfaces on other structural elements to which is secured a plurality of lengths of flexible barrier sheet material (p. 14, lines 21-26; p. 17, lines 18-20) with at least a first length of barrier sheet material lengthwise overlapping with a second length of barrier sheet material (p. 28, lines 2-8), wherein each of the first and second length of barrier material comprises a flexible polymeric film (p. 24, lines 9-16) and includes a holding system comprising an acrylic pressure sensitive adhesive (p. 25, line 27) layer (p. 14, lines 21-22) that substantially covers one of its major surfaces (p. 7, lines 7-8; p. 14, lines 10-12) and creates an edge zone and an intermediate zone (p. 4, lines 18-20; p. 7, lines 26-27; p. 14, lines 23-26), such that the working surface of the first structural element and the plurality of lengths of barrier sheet material extending between plural non-working surfaces together form at least part of the enclosure having a plurality of adhesively sealed seams created by overlapping portions of adjacent lengths of barrier material and adhesive provided on edge zones thereof (p. 19, lines 19-28; p. 7, line 21 – p. 8, line 2).

In the invention, multiple lengths of barrier sheet (10 in Fig. 1) are used to form an effectively enclosed space so that physical material (e.g., noxious material) may be contained within the enclosed space and removed or abated (p. 17, lines 13-14). The multiple lengths of barrier sheet are overlapped and effectively adhered to each other to provide sealed seams between the lengths (p. 19, lines 22-26). The invention also adheres the multiple lengths to structure (e.g., walls 12, 14, floor 16, opening 18 in door frame 20, light switch opening 22, power outlet 23 and temporary structure element 30 in Fig. 1) as desired, thus forming an effective enclosure.

The holding system of the invention is also used for securing the barrier sheeting to the one or more structural element surfaces, is integral with a surface of the barrier sheeting (p. 13, lines 11-14). Preferably, the holding system is provided to the barrier sheeting along at least an edge portion (26 in Fig. 1) thereof and one or more intermediate portions (28 in Fig. 1) thereof for securing the barrier sheeting to a surface of a component at edge and intermediate locations (p. 13, lines 14-17; p. 14, lines 17-20). The holding system could be integrated with a barrier film as being applied to or attached with the barrier sheet material along a major surface thereof (p. 14, lines 10-12). Preferably, the barrier sheet material in the invention includes a pressure sensitive adhesive (p. 14, lines 21-22). It is desirable that at least 20% of the surface area of the barrier sheet is adhesive coated (p. 17, lines 1-2). The adhesive may be coated in a continuous coating, in a discontinuous pattern, or a combination thereof (p. 17, lines 6-7).

The enclosed spaces created in the present invention are based upon first providing a structure to which the sheeting is adhered. Structural elements mean any different components or elements that together make up the structure (p. 12, lines 21-25) (e.g., walls 12, 14, floor 16, opening 18 in door frame 20, light switch opening 22, power outlet 23 and temporary structure element 30 in Fig. 1). The structure includes non-working surfaces that are to be isolated while materials on working surfaces are removed (p. 5, lines 21-23).

Suitable barrier sheet materials used in the invention include polymeric films that can be made from any polymeric material that can be formed into a sheet (p. 24, lines 9-10).

For abatement of asbestos or the like, it is useful that the enclosure be maintained under a negative pressure of about 0.02 inches of water (p. 17, lines 27 – p. 18, line 2; p. 21, lines 1-2).

VI. Ground of Rejection to be Reviewed on Appeal

Whether claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33, and 34 are patentable under 35 U.S.C. 103(a) over the Iwen et al. reference taken in view of the Eller et al. reference.

VII. Argument

Rejection of claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33, and 34 under 35 U.S.C. 103(a) over the Iwen et al. reference taken in view of the Eller et al. reference.

Claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33 and 34

As in the previous Official Action, the only rejection of record is a prior art rejection under 35 U.S.C. 103 of claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33, and 34 as being unpatentable over the Iwen et al. reference taken in view of the Eller et al. reference. Each of independent claims 1, 21, and 34 have been rejected under 35 U.S.C. 103 (a) as being obvious by the combination of the references. It is submitted that each of the presently pending independent claims 1, 21 and 34 are patentably distinct from any attempted combination of the Iwen et al. and Eller et al. references. By virtue of their dependence on claims 1, 21 and 34, and addition of further limitations, dependent claims 2, 6-7, 12-20, 23-27, 29, 30 and 33 are also patentably distinct.

A key aspect of distinction of the present invention relates to the design of an abatement enclosure system that purposely creates such an enclosure that covers non-working surfaces or encloses a working surface using many lengths of barrier sheet arranged alongside one another and in a sealed overlapping arrangement. For abatement purposes, such a design is directly contrary to the attempts of others as described in the prior art references of record and as relied upon by the Examiner.

Applicants have discovered a way to purposefully create seams in an enclosure environment so that the barrier sheets are manageable for hanging and yet effectively provide a controlled environment. With the use of the claimed holding system, these barrier sheets can be easily hung and the controlled environment can be effectively created contrary to the express teachings of a barrier system as disclosed by the prior art.

First, it is submitted that clear error exists in the application of the primary reference, Iwen et al., in that the suggested modification by the Examiner is directly contrary to the explicit teachings of the Iwen et al. reference and would be a destruction of the clear intended purpose of the system of Iwen et al.

Next, it is submitted that the secondary reference, Eller et al., does not disclose subject matter as relied upon by the Examiner, and thus could not come up with the subject invention as presently claimed in each of independent claims 1, 21 and 34.

The Iwen et al. reference provides a system for covering surfaces that utilizes a single sheet specifically folded and applied to get two-layer coverage from a single sheet to eliminate seams and thus possible leakage points. The Eller et al. reference is an entirely different approach that provides a temporary wall to partition an area of a room, which temporary wall is a ventilation control structure including flaps arranged from plural sheets to permit limited air flow into the partitioned area as such is subject to negative pressure. The present invention takes a contrary approach to either of these by utilizing plural or multiple sheets arranged to cover non-working surfaces where seams are purposefully created and appropriately sealed according to inventive aspects of the presently claimed invention.

Iwen et al. disclose a specific manner and system that utilizes a single sheet of material to eliminate as many seams as possible as the fundamental important point of its system design. Elimination of seams or potential escape openings is critical to their approach to control an environment where abatement is to be conducted. The Examiner, to the contrary, suggests that one of ordinary skill in the art would look at the system of Iwen et al. and instead create seams by starting with plural sheets of material and seaming them together as a substitute for the single folded sheet approach of Iwen et al. That is, the Examiner's position is a complete destruction of the approach of Iwen et al.

Secondly, a combination of teachings of Eller et al. to the system of Iwen et al. would be that instead of covering all non-working surfaces of a room, the room would include a partitioning wall provided with ventilation flaps that permit air flow through them. Again, this type of modification would be directly contrary to the purpose of the system of Iwen et al., which is to eliminate leakage to or from its controlled environment. Importantly also, even if Eller et al. could somehow suggest to take the folded sheet described in Iwen et al., cut it into multiple pieces, and apply the pieces to non-working surfaces, Eller et al. would then teach that any creation of overlapping seams would be provided without sealing them together so that they act as flaps to permit air flow as part of a ventilation procedure. The presently claimed invention includes the purposeful

creation of seams and of sealing them to one another by the use of specifically designed sheets as an abatement enclosure. The combination of references as asserted by the Examiner cannot come up with the method steps and enclosure as presently claimed.

Claim 1

To further distinguish from the prior art of record, independent claim 1 recites that the holding system of the barrier sheets comprises an adhesive layer that substantially covers a major surface of the first and second barrier sheet lengths. It is submitted that this limitation further distinguishes from the Iwen et al. and Eller et al. references as taken in combination or separate from one another. Within this adhesive layer, intermediate and edge adhesive zones are included, and an overlapping portion of the first and second barrier sheet lengths are adhesively sealed. Neither reference discloses or suggests the provision of an adhesive layer that substantially covers a major surface of any barrier sheet. In fact, each reference teaches to the contrary.

The Iwen et al. reference discloses at column 4, lines 6-14, that "it is contemplated that the sheet may have additional adhesive areas" and notes that "additional adhesive strips" could be exposed by a user. Iwen et al. only contemplates distinct strips or areas of adhesive that can be provided in select locations to facilitate hanging of the folded sheet material as a single sheet providing the multiple layers. Given the cumbersome nature of the large sheet as it is folded in a particular manner with a specific procedure to permit application to wall surfaces, select adhesive provision is required to stepwise apply the sheet material without having the sheet adhering to itself or other structures inadvertently. Iwen et al. clearly teaches away from the provision of an adhesive layer substantially covering a major sheet surface. Eller et al., as discussed above, discloses that the overlapping flaps permit air flow, and as such cannot be provided with adhesive.

Accordingly, claim 1 is patentably distinct from the prior art references. Thus, reversal of the rejection of record with respect to claim 1 is believed proper and respectfully requested.

Claims 2, 6-7 and 12-20

Claims 2, 6-7, and 12-20 are dependent upon claim 1. By virtue of their dependence on claim 1 and addition of further limitations, dependent claims 2, 6-7, and

12-20 are also patentably distinct. A brief discussion of each dependent claim is provided below indicating additional features included in the claims.

Dependent claim 2 recites that the holding system comprises a pressure sensitive adhesive that is an acrylic adhesive. Dependent claim 6 recites that at least one barrier sheet length with pressure sensitive adhesive is adhered to more than one structural element of the preexisting structure. Dependent claim 7 recites that the barrier sheet lengths with pressure sensitive adhesive each comprise pressure sensitive adhesive in a substantially uniform manner over the major surface thereof, and the step of attaching that barrier sheet length to a structural element comprises adhering the barrier sheet length to the available surface of the structural component substantially uniformly. Dependent claim 20 (depends from claim 19) recites that the target material includes a pressure sensitive adhesive for attaching to the surface of a structural element. Although the use of adhesives are not themselves new, it is an important aspect of the present invention that the adhesive and where and how it is applied results in desired adhesive properties. In particular, where the adhesive is substantially covering a sheet's major surface, as presently claimed, the adhesive provides the desired adhesion properties.

Dependent claim 12 recites that the first barrier sheet is adhered to at least a portion of a temporary structure of the preexisting structure. Dependent claim 13 recites that the first barrier sheet is adhered to at least a portion of a permanent structure of the preexisting structure. Dependent claim 14 recites that the barrier sheet lengths are combined together and attached to the preexisting structure to create with the preexisting structure a substantially contained and enclosed space. Dependent claim 15 depends from claim 14 and recites that at least a portion of one barrier sheet length covers an open area of the preexisting structure. Dependent claim 16 depends from claim 14 and recites that the method is for removal of physical material from the enclosed space, and at least a portion of the preexisting structure with undesirable physical material is not covered with barrier sheet lengths so that physical material can be abated from the exposed preexisting structure. Dependent claim 17 depends from claim 16 and recites a further step of the method, which is the step of removing physical material from the preexisting structure. Dependent claim 19 recites that the method comprises attaching a target material over at least a surface portion of a structural element and subsequently securing at least one of

the first and second barrier sheet lengths to the target material by at least one portion of the holding system as provided extending over a major surface of a barrier sheet length.

Dependent claim 18 depends from claim 17 and recites the application of a negative pressure of 0.02 inches of water within the enclosed space and maintaining billowing, as a result of the adhesive holding system, to less than 2 inches. The amount of billowing is directly related to the use of an adhesive holding system, the provision of such adhesive to substantially cover a major surface of each sheet, the specific adhesive material, and the manner of creating the enclosure, as are presently claimed. It is submitted that the systems of either Iwen et al. or Eller et al., or any combination thereof, would not be capable of this limitation.

Claim 21

Independent claim 21 is patentably distinct from the prior art of record for all of the reasons set out above. A method is recited including the securing of first and second barrier sheets in an overlapping manner to create sealed seams, and also includes the limitations added to claim 1, claim 2 and claim 18, as discussed above. Thus, reversal of the rejection of record with respect to claim 21 is believed proper and respectfully requested.

Claims 23-27, 29-30, 33

Claims 23-27, 29-30 and 33 are dependent upon claim 21. By virtue of their dependence on claim 21 and addition of further limitations, dependent claims 23-27, 29-30 and 33 are also patentably distinct. A brief discussion of each dependent claim is provided below indicating additional features included in the claims.

Dependent claim 23 recites that a plurality of additional barrier sheet lengths are attached to one another as well as to surfaces of at least one structural element for creating the barrier as part of the enclosure. Dependent claim 24 depends from claim 23 and recites that the removable pressure sensitive adhesive is a substantially continuous coating. Dependent claim 25 depends from claim 23 and recites that the non-working surface is at least one of a floor, a wall or a ceiling. Dependent claim 26 depends from claim 25 and recites that the non-working surface is a plurality of walls. Dependent claim 27 depends from claim 25 and recites that the non-working surface is a ceiling and the ceiling is not covered. Dependent claim 29 depends from claim 26 and recites that

the non-working surface is a floor. Dependent claim 33 depends from claim 23 and recites that the enclosure further includes a non-adhesive coated flexible plastic film.

Claim 34

Independent claim 34 sets out an enclosure including the aspects noted with respect to claim 1 including the provision of overlapping seams from barrier sheet with the seams sealed by adhesive, which adhesive is recited as comprising an acrylic pressure sensitive adhesive that substantially covers a major surface of each claimed sheet. Claim 34 is therefore patentably distinct. Thus, reversal of the rejection of record with respect to claim 34 is believed proper and respectfully requested.

It is respectfully submitted that the Iwen et al. and Eller et al. references as a matter of law cannot form the basis for a rejection of the invention as claimed, because the revisions required to each of the disclosed systems to provide a method that corresponds to the present claims would destroy the functionality of each of the references.

The above references therefore cannot alone or in combination form the basis of an assertion that the present claims are obvious. Accordingly, reversal of the rejection of record with respect to claims 1, 2, 6-7, 12-21, 23-27, 29, 30, 33, and 34 is believed proper and respectfully requested.

Conclusion

Accordingly, it is respectfully requested that the rejection of claims 1, 2, 6,-7, 12-21, 23-27, 29, 30, 33, and 34 be reversed.

Respectfully Submitted,

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Dated: June 12, 2008

#44809

VIII. Appendix – Claims on Appeal

1. (previously presented) A method for creating at least a partially enclosed space and controlled environment for abatement of physical material within a preexisting structure, the enclosed space being based at least in part on structural elements of the preexisting structure comprising:

attaching at least first and second barrier sheet lengths comprising separate lengths of flexible polymeric film in a sealed overlapping relationship to one another to a first surface of a first structural element of the preexisting space and attaching the overlapping barrier sheet lengths to a second surface of a second structural element of the preexisting space while at least partially covering an opening between the first and second surfaces for creating a barrier as part of an enclosure of a desired space with a controlled environment, said step of attaching at least the first and second barrier sheet lengths including using a holding system of each of the first and second barrier sheet lengths that extends over major surfaces thereof, wherein the holding system comprises an adhesive layer that substantially covers a major surface of each of the first and second barrier sheet lengths including an edge zone and an intermediate zone of the same major surface, so that the first barrier sheet length with the holding system is secured to the first surface of the first structural element at both the edge and intermediate zones and the second barrier sheet length with the holding system is adhesively sealed to an overlapping portion of the first barrier sheet length and the first surface of the first structural element.

2. (previously presented) The method of claim 1, wherein the holding system comprises pressure sensitive adhesive that is an acrylic adhesive.

3. (canceled)

4. (canceled)

5. (canceled)

6. (previously presented) The method of claim 1, wherein at least one barrier sheet length with pressure sensitive adhesive is adhered to more than one structural element of the preexisting structure.
7. (previously presented) The method of claim 1, wherein the barrier sheet lengths with pressure sensitive adhesive each comprise pressure sensitive adhesive provided in a substantially uniform manner over the major surface thereof, and the step of attaching that barrier sheet length to a structural element comprises adhering the barrier sheet length to the available surface of the structural component substantially uniformly.
8. (canceled)
9. (canceled)
10. (canceled)
11. (canceled)
12. (previously presented) The method of claim 1, wherein the first barrier sheet is adhered to at least a portion of a temporary structure of the preexisting structure.
13. (previously presented) The method of claim 1, wherein the first barrier sheet is adhered to at least a portion of a permanent structure of the preexisting structure.
14. (previously presented) The method of claim 1, wherein barrier sheet lengths are combined together and attached to the preexisting structure to create with the preexisting structure a substantially contained and enclosed space.
15. (previously presented) The method of claim 14, wherein at least a portion of one barrier sheet length covers an open area of the preexisting structure.

16. (previously presented) The method of claim 14, comprising steps within a method for removal of physical material from the enclosed space, wherein at least a portion of the preexisting structure with undesirable physical material is not covered with barrier sheet lengths so that physical material can be abated from the exposed preexisting structure.
17. (original) The method of claim 16, further comprising the step of removing physical material from the preexisting structure.
18. (previously presented) The method of claim 17, further comprising the application of a negative pressure of 0.02 inches of water within the enclosed space during the removal step while utilizing the holding systems of the first and second barrier sheet lengths to maintain billowing from the first and second surfaces of the first and second structural elements to less than 2 inches.
19. (previously presented) The method of claim 1, comprising attaching a target material over at least a surface portion of a structural element and subsequently securing at least one of the first and second barrier sheet lengths to the target material by at least one portion of the holding system as provided extending over a major surface of a barrier sheet length.
20. (previously presented) The method of claim 19, wherein the target material includes a pressure sensitive adhesive for attaching to the surface of a structural element.
21. (previously presented) A method for the abatement of physical material from a preexisting structure comprising:
 - f. providing a structure having at least one working surface of a first structural element bearing a physical material to be removed, and at least one non-working surface of a second structural element,

- g. providing a plurality of barrier sheet lengths, each length of barrier sheet comprising a flexible polymeric film and that includes a holding system comprising an acrylic pressure sensitive adhesive layer that substantially covers a major surface thereof, the holding system with removable pressure sensitive adhesive provided to create an edge zone and an intermediate zone of the major surface as it is substantially covered by adhesive,
- h. securing the holding system of a first barrier sheet length by contacting the adhesive of the first barrier sheet length to the one non-working surface of the second structural element and a non-working surface of at least one other structural element that is spaced from the second structural element, so that a layer of the first barrier sheet length is secured to plural non-working surfaces to form an enclosure with the working surface of the first structural element to isolate a space to contain the physical material for subsequent removal,
- i. securing a second barrier sheet length along side and in a similar direction as the first barrier sheet length by contacting adhesive of the edge zone of the second barrier sheet length with an overlapping portion of the first barrier sheet length and adhesive of the intermediate zone of the second barrier sheet length to at least the one non-working surface of the second structural element, and then
- j. applying a negative pressure of 0.02 inches of water within the enclosed space while utilizing the holding systems of the first and second barrier sheet lengths to maintain billowing from the non-working surfaces of the structural elements to less than 2 inches.

22. (canceled)

23. (previously presented) The method of claim 21, wherein a plurality of additional barrier sheet lengths are attached to one another as well as to surfaces of at least one structural element for creating the barrier as part of the enclosure.

24. (original) The method of claim 23 in which the removable pressure sensitive adhesive is a substantially continuous coating.

25. (original) The method of claim 23 in which the non-working surface is at least one of a floor, a wall, or a ceiling.

26. (original) The method of claim 25 in which the non-working surface is a plurality of walls.

27. (previously presented) The method of claim 25 in which the non-working surface is a ceiling and the ceiling is not covered.

28. (canceled)

29. (original) The method of claim 26 in which the non-working surface is a floor.

30. (previously presented) The method of claim 29 in which the floor is covered with another length of barrier sheet that comprises one of an adhesive coated sheet and a sheet at least partially covered with a removable pressure sensitive adhesive.

31. (canceled)

32. (canceled)

33. (original) The method of claim 23 in which the enclosure further includes a non-adhesive coated flexible plastic film.

34. (previously presented) An enclosure for isolating and containing physical materials comprising a structure having at least one working surface on a

first structural element bearing a physical material to be removed, and a plurality of non-working surfaces on other structural elements to which is secured a plurality of lengths of flexible barrier sheet material with at least a first length of barrier sheet material lengthwise overlapping with a second length of barrier sheet material, wherein each of the first and second length of barrier material comprises a flexible polymeric film and includes a holding system comprising an acrylic pressure sensitive adhesive layer that substantially covers one of its major surfaces and creates an edge zone and an intermediate zone, such that the working surface of the first structural element and the plurality of lengths of barrier sheet material extending between plural non-working surfaces together form at least part of the enclosure having a plurality of adhesively sealed seams created by overlapping portions of adjacent lengths of barrier material and adhesive provided on edge zones thereof.

35. (canceled)

36. (canceled)

37. (canceled)

IX. Appendix - Evidence

There is no evidence to be included in Appendix IX.

X. Appendix - Related Proceedings

There are no related appeals or interferences.